

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CIVIL ACTION NO.: 5:22-cv-00068-BO

YOLANDA IRVING, individually and as the )  
natural parent and guardian of J. I., JUWAN )  
HARRINGTON, CYDNEEA HARRINGTON, )  
KENYA WALTON, individually and as the )  
natural parent and guardian of R.W., ZIYEL )  
WHITLEY, DYAMOND WHITLEY, )  
KAMISHA WHITLEY, NANETTA GRANT as )  
the natural parent and guardian of Z. G., and )  
EMANCIPATE NC., INC. )

Plaintiffs, )

vs. )

THE CITY OF RALEIGH, Officer OMAR I. )  
ABDULLAH, Sergeant WILLIAM ROLFE, )  
Officer RISHAR PIERRE MONROE, Officer )  
JULIEN DAVID RATTELADE, and Officer )  
MEGHAN CAROLINE GAY, Officer DAVID )  
MEAD, Officer JESUS ORTIZ, Officer KYLE )  
PERRIN, Officer MICHAEL MOLLERE, )  
Officer, KYLE THOMPSON, Officer )  
VINCENT DEBONIS, Officer DANIEL )  
TWIDDY, Officer THOMAS WEBB, Officer )  
DAVID MCDONALD, Officer DAVID )  
GARNER, Chief of Police ESTELLA )  
PATTERSON and City Manager MARCHELL )  
ADAMS-DAVID, in their official capacities. )

Defendants. )

**Defendant Gay, Monroe and Rattelade's Appendix of Exhibits to Local Civil Rule 56.1  
Statement of Material Facts**

<u>Description</u>	<u>Page No.</u>
<i>Celotex Corp. v. Catrett</i> , 477 U.S. 317, 323 (1986)	3
<i>Cray Commc'ns, Inc. v. Novatel Computer Sys., Inc.</i> , 33 F.3d 390, 393–94 (4th Cir. 1994)	3

<i>Ridpath v. Bd. of Governors Marshall Univ.</i> , 447 F.3d 292, 306 (4th Cir. 2006)	3
<i>Wilson v. Layne</i> , 526 U.S. 603, 609, 119 S.Ct. 1692, 143 L.Ed.2d 818 (1999)	3-4
<i>Anderson v. Creighton</i> , 483 U.S. 635, 640, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987)	4
<i>Harlow v. Fitzgerald</i> , 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982)	4
<i>Pearson v. Callahan</i> , 555 U.S. 223, 236, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009)	4
<i>Bailey v. Polk</i> , 2011 WL 4565469 (W.D.N.C. March 7, 2011)	5, 17
<i>Franks v. Delaware</i> , 438 U.S. 154, 171 98 S. Ct. 2674 (1978)	5
<i>Miller v. Prince George's County, Md.</i> , 475 F. 3d 621, 627 (4th Cir. 2007)	5
<i>Hinkle v. City of Clarksburg, W. Va.</i> , 81 F.3d 416, 421 (4th Cir.1996)	5
<i>Hafner v. Brown</i> , 983 F.2d 570, 577 (4th Cir.1992)	5-6
Excerpts from Deposition of Sergeant Julien David Rattelade taken February 28, 2023	6-9, 15
Excerpts from Deposition of Officer Meghan Gay taken October 28, 2022	6-8
<i>Randall v. Prince George's Cty</i> , 302 F.3d 188, 204 (4 <sup>th</sup> Cir. 2002)	6
Excerpts from Deposition of Officer Rishar Pierre Monroe taken January 31, 2023	7-9
<i>U.S. v. Lattimore</i> , 87 F.3d 647, 650 (4th Cir. 1996)	9, 11
<i>Schneekloth</i> , 412 U.S. at 225, 93 S.Ct. 2041	9-10
Excerpts from Deposition of Dyamond Whitley taken February 3, 2023	10-11
Excerpts from Deposition of Kenya Walton taken November 15, 2022	10, 12-13
<i>U.S. v. Seni</i> , 662 F.2d 277, 281-82 (4 <sup>th</sup> Cir. 1981)	11

<i>U.S. v. Elie</i> , 111 F.3d 1135, 1143-44 (4th Cir. 1997)	11
Excerpts from Deposition of Robert Whitley, Jr. taken November 17, 2022	11, 13
Excerpts from Deposition of Z.G. taken November 18, 2022	11, 15
<i>U.S. v. Alexander</i> , 2008 WL 11422070, at *5 (M.D.N.C. Dec. 1, 2008)	12
<i>U.S. v. Carter</i> , 300 F.3d 415, 423 (4th Cir. 2002)	13
<i>King</i> , 563 U.S. at 460, 131 S. Ct. 1849	13
<i>Lange</i> , 141 S. Ct. 2011	13-14
<i>Riley</i> 573, U.S. at 402, 134 S. Ct. 2473	13-14
<i>Brigham City</i> , 547 U.S., at 403, 126 S.Ct. 1943	14
<i>Minnesota v. Olson</i> , 495 U.S. 91, 100, 110 S.Ct. 1684, 109 L.Ed.2d 85 (1990)	14
<i>Birchfield v. North Dakota</i> , 579 U. S. 438, —, 136 S.Ct. 2160, 2174, 195 L.Ed.2d 560 (2016)	14
Excerpts from Deposition of Officer David Mead taken November 1, 2022	14-15
Excerpts from Deposition of Officer Daniel Twiddy taken February 24, 2023	15
<i>Michigan v. Summers</i> , 452 U.S. 692, 701-02 (1981)	17
<i>U.S. v. Enslin</i> , 327 F.3d 788, 796-97 (9th Cir. 2003)	17